

DEPARTMENT OF SOCIAL SERVICES

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April 16, 1981

ALL-COUNTY LETTER NO. 81-41

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
PUBLIC AND PRIVATE ADOPTION AGENCIES

SUBJECT: Indian Child Welfare Act and Stepparent Adoptions

REFERENCE: All County Letters 79-30 and 79-69

All County Letter 79-30 alerted agencies to the passage of the Indian Child Welfare Act and its ramifications regarding adoption proceedings. All County Letter 79-69 described the procedures necessary to determine if a child came within the provisions of the Act and to certify the child's degree of Indian blood.

This letter is to clarify the role of the State Department of Social Services, welfare departments, and probation departments in relation to stepparent adoptions and the Indian Child Welfare Act.

The Act defines an adoptive placement as the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption. Since stepparent adoptions result in a final decree of adoption, the Indian Child Welfare Act must be considered in stepparent adoptions of Indian children.

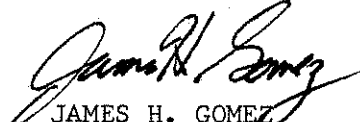
Welfare and probation departments responsible for investigation of stepparent adoptions will need to work directly with the Bureau of Indian Affairs to determine if a child of Indian heritage comes within the provisions of the Act. The State Department of Social Services will not be involved in transmitting information to the B.I.A. in stepparent adoption cases.

If it is determined that the child comes within the provisions of the Act, consent of the parents to the adoption needs to be taken in court with the judge certifying that terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian in accordance with Section 103 of the Act. In those instances where parental rights are terminated by court action, the Indian tribe must be notified of the termination proceedings in accordance with Section 102.

It is the responsibility of welfare and probation departments to consult with their county counsels and superior court judges to determine the procedures to be followed in regard to the Indian Child Welfare Act so that stepparent adoptions will be in conformance with the Act and not be subject to challenge on procedural grounds.

If there are any questions regarding stepparent adoptions in relation to the Act, please contact Elsie Shilin at (916) 445-7964.

Sincerely,



JAMES H. GOMEZ
Deputy Director

cc: CWDA